

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JUL 31 2009
John
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERALD FALLIS, JR.,

Defendant.

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CR 09-40065

ORDER

Pending before the Court is the Defendant's Petition to Plead Guilty and Statement of Factual Basis. A hearing to take the plea was held before the Magistrate Judge on July 10, 2009, and Judge Simko issued a Report and Recommendation accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in Count 1 of the Indictment with Involuntary Manslaughter in violation of 18 U.S.C. §§ 1112 and 1153. After a careful review of the file, and the parties having waived their right to object to the Report and Recommendation,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Gerald Fallis, Jr., is adjudged guilty.

Dated this 30th day of July, 2009.

BY THE COURT:

Lawrence L. Piersol

Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: *Indy Margules*
DEPUTY